

Article - Natural Resources

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§8–1003.

(a) The owner of any property abutting on any body of water in the State may file a written application with the Department requesting State assistance in the design, construction, and financing of a shore erosion control project for the property. The application shall be in a form and contain information the Department prescribes. Each application form shall contain a notice warning that the applicant is responsible for maintenance of any project after the project is constructed.

(b) A project may not be approved unless the project lies within a physiographic unit established by the Department, is within a shore erosion control district established under Title 21, Subtitle 2 or Subtitle 3 of the Local Government Article, or is of a nature that the project's inclusion within a physiographic unit or shore erosion control district is neither necessary nor feasible in the Department's judgment.

(c) A physiographic unit project may not be approved unless every property owner within the physiographic unit participates in planning, construction, and financing of the project. However, the Department may exclude any property owner within the physiographic unit if this exclusion does not affect materially the remainder of the project.

(d) The Department shall establish a schedule of priorities for shore erosion control projects, and upon approval of an application, assign the project to a priority list number. The schedule shall take into consideration the rate of erosion, amount of silt being deposited in the waters involved, date of Department's approval, nature and amount of public benefits provided by the project, and any other factors set forth in regulations the Department adopts. If at any time the cost of an approved project at the top of the priority list exceeds the unobligated balance of the Fund, the Department may proceed with construction of a lower priority project.

(e) The property owner's cash contribution shall be placed in escrow immediately after a construction contract is awarded but before construction begins.

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